

RESPONSIBILITIES OF THE GUARDIAN AD LITEM

Recommendations of the Commission of Guardians *ad litem*

October 25, 1999

- A. A GAL should determine the facts of the case by interviewing the child, Cabinet for Families and Children (CFC) family services worker, family members, therapist and others as necessary and by reviewing reports and other information. When interviewing a child is impractical (due to age or other circumstances), inspection of the home or place of care and/or an interview with the foster parent or caretaker is an adequate substitute. If these events do not occur, perhaps due to hostility toward the GAL or other safety concerns, the GAL should document the reason the action did not occur;
- B. A GAL should meet with and observe the child, assess the child's needs and wishes with regard to the representation and issues in the case, and explain the proceedings to the child according to the child's ability to understand;
- C. A GAL should appear at all hearings concerning the child;
- D. A GAL should make recommendations for specific and clear orders for evaluation, services, and treatment for the child and the child's family;
- E. A GAL should file all necessary pleadings and papers, and maintain a complete file with notes rather than relying upon court files;
- F. During the term of the appointment, a GAL should monitor the implementation of court orders and determine whether service(s) ordered by the court for the child or the child's family are being provided in a timely manner and are accomplishing their purpose. If a GAL believes services are not being provided in a timely manner, or if he/she believes the family has failed to take advantage of these services, or if the GAL believes the services are not accomplishing their purpose, he/she should file a motion for appropriate relief. The GAL should assess whether the Cabinet for Families and Children (CFC) is making reasonable efforts as defined in state and federal law and should challenge the adequacy of those efforts when appropriate;
- G. Representation by the GAL continues so long as the appointing authority retains jurisdiction over the child;
- H. Consistent with the Rules of Professional Responsibility, a GAL should identify common interests among the parties and, to the extent possible, promote a cooperative resolution of the matter;
- I. A GAL should consult, as necessary and consistent with existing rules of confidentiality, with other persons knowledgeable about the child and the child's family to identify the child's interests, current and future placements that would be best for the child, and necessary services for the child;
- J. A GAL should submit, as ordered, an oral or written report to the court;
- K. A GAL should advocate the child's best interests, but advise the court when the child disagrees with the attorney's assessment of the case.